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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 073979.28

In re Application of: Achilefu, Samuel L., et al.

Application No.: 10/680,338

Filed: October 7, 2003

For: Novel Dyes for Organ Function Monitoring

The owner*, Mallinckrodt, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,395,257 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☑ The undersigned is an attorney or agent of record. Reg. No. 41,961

/Beverly A. Lyman/ — Signature
12/03/2007 — Date

BEVERLY A. LYMAN — Typed or printed name

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